



Milan Local Division

UPC CFI no. 1902/2025
order issued on 29.7.2026

CLAIMANT

CARDO SYSTEMS, LTD.

13 Zarhin Street 4366241 Ra'anana / IL

represented by

Tjibbe Douma and Giovanni Galimberti, respectively at *Bird & Bird (Netherlands) LLP*, Gustav Mahlerlaan 42, 1082 MC Amsterdam, The Netherlands, and *Bird & Bird Società tra Avvocati s.r.l.*, via Porlezza n. 12, 20123 - Milan, Italy;

Markus Herzog and Manuel Millahn, at *Weickmann & Weickmann*, Richard-Strauss-Straße 80, 81679 - München, Germany

DEFENDANTS

1) SHENZHEN ZIWU CHUANGXIN TECHNOLOGY CO., LTD.

Room 225, 2nd Floor, Phase II, Xinghe Lingchuang Tianxia, Nankeng Community, Bantian Street, Longgang District, 518129 – Shenzhen, China

2) RESOSPORT LIMITED

Office 5, 8/F, Mega Cube, 8 Wang Kwong Road, Kowloon Bay, Kowloon, 000000 – Hong Kong - Hong Kong, China

both represented by

Luca Trevisan, Giulia Affer and Lorenzo Battarino, at *Trevisan & Cuonzo*, via Brera 6, 20121 - Milan, Italy

DECIDING JUDGE

Panel in the following composition:

- Pierluigi PERROTTI presiding judge and judge-rapporteur
- Alima ZANA legally qualified judge
- Samuel GRANATA legally qualified judge

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT OF THE ORDER

Application for review by the Panel under R. 333 RoP

SUMMARY OF FACTS

On 8 December 2025, Cardo lodged an infringement action before the Milan Local Division against Ziwu and Resosport (hereafter jointly Reso Group).

Service was duly effected on Ziwu on 23 April 2026. Ziwu has already appeared before the Court and was due to file its statement of defence and any counterclaim for revocation by 23 July 2026, within the three-month period laid down in R. 23 RoP.

Service on Resosport in Hong Kong has not yet been completed.

On 30 June 2026, Ziwu applied for alignment of the effective service dates and, consequently, of the deadline for filing the statement of defence under R. 23 RoP. Once that date was set, Resosport would voluntarily accept service of the statement of claim.

Cardo opposed the request. In its response filed on 3 July 2026, the claimant noted that Ziwu's current representatives had already been appointed by both defendants in the parallel PI proceedings pending before the Milan Local Division. They had refused to accept service in the proceedings on the merits, despite their appointment in the provisional measures proceedings. According to the claimant, the defendants' request sought an excessive extension of the deadline under R. 23 RoP.

By order of 3 July 2026, the parties were invited to seek an amicable solution to this procedural issue. Their negotiations were unsuccessful.

By order of 10 July 2026, pursuant to R. 9 RoP, the judge-rapporteur ordered that, for all defendants, the period for filing the statement of defence and any counterclaim for revocation shall run from 10 June 2026, as a notional common starting date, subject to Resosport's immediate acceptance of service.

Accordingly, the statements of defence and any counterclaims for revocation shall be filed by 10 September 2026.

On 20 July 2026, Cardo filed an application for review and for the shortening of time limits pursuant to R. 9.3, 333 and 334(a) RoP.

It argues that the order granted the defendants a *de facto* extension of 50 days.

According to the claimant, the UPC system is designed to deliver fast, efficient patent dispute resolution. The three-month R. 23 RoP period for filing a statement of defence is considered sufficient for a defendant while facilitating the expediency inherent to the UPC system. Moreover, deadlines for defendants start to run as from the moment that defendant is served, not when all defendants appear in the case. A 50-day extension undermines the objectives of the UPC.

Reso Group's representatives represent both Ziwu and Resosport. This is not in dispute and has been confirmed and reconfirmed by Reso Group's representatives (i) acting for Reso Group in the parallel PI proceedings, (ii) acting for Reso Group in these proceedings, even going so far as to (iii) indicate they will accept service for Resosport, when it suits their client.

Service on Resosport could have been accepted at any point, especially after service on Ziwu, to avoid any procedural hurdles and possible bifurcation. Instead, Reso Group deliberately refused to do so, deliberately abusing procedure for its own gain.

The principle of good faith in procedural conduct is fundamental to UPC proceedings. Permitting tactical non-acceptance of service to operate as a *de facto* mechanism for prolonging deadlines is inconsistent with that principle.

Cardo requests the Court:

- to set the effective common date of service for all defendants on 23 April 2026, or in the alternative, ultimately on 7 May 2026, or any date before 10 July 2026 the Court considers reasonable;
- alternatively, to shorten the deadline for all defendants in so far as the time limit for their statements of defence is set on 3 August 2026 or another reasonable time.

The defendants filed their reply on 24 July 2026, requesting that Cardo's application be dismissed.

They reiterate that the solution adopted in the order of the judge-rapporteur is beneficial for the parties and for the Court.

In accordance with the order of 10 July 2026, Resosport has meanwhile accepted service and accessed the case in the CMS. Any revocation or amendment of that order would also have required a further adjustment of the deadlines, with unnecessary and counterproductive complications.

GROUND FOR THE ORDER

These patent infringement proceedings were brought against two defendants. Between the same parties, proceedings for provisional measures are also pending; those proceedings were decided at first instance by order of 18 June 2026, which was subsequently appealed by Cardo.

Resosport is a company established in Hong Kong. The legal representative appointed by that defendant in the provisional measures proceedings was not authorised by the client to accept service in the proceedings on the merits, with the unavoidable consequence that service had to be effected through the ordinary channels, in accordance with the procedure laid down in the Hague Convention.

At the date on which the order of 10 July 2026 was issued, service on Resosport had not yet been completed. There was not, and there is still not, any certain information as to the effective completion of service.

By contrast, Ziwu had already accessed the case, with the deadline for filing its statement of defence originally due to expire on 23 July 2026.

In the absence of a case management order, as requested by the defendants, a significant misalignment between the positions of the two defendants would have arisen, making the management of the proceedings particularly difficult.

The order of the judge-rapporteur, review of which is sought, was intended to implement an intermediate solution which, on the one hand, extended the time limit in favour of Ziwu but, at the same time, substantially shortened that same time limit as regards Resosport.

If, hypothetically, service on Resosport had been completed on 29 July 2026, the three-month period for filing the statement of defence would have expired on 29 October 2026. Bringing the deadline forward to 10 September 2026 therefore entails a shortening of approximately 50 days, substantially equivalent to the extension authorised in favour of Ziwu.

The practical result achieved by the order of 10 July 2026 therefore constitutes, in the view of the Panel, a balanced compromise which provides certainty for the further conduct of the proceedings and ensures that they proceed in a more orderly and efficient manner.

That result is independent of any possible assessment of the choices — purely tactical, according to the claimant — made by the defendants in relation to the failure to authorise their representatives to accept service of the statement of claim.

As already clarified in the order of 10 July 2026, the Court has no power to require or compel a representative to accept service on behalf of a party.

R. 271.1(c) RoP is clear: *“The Registry shall serve the Statement of claim by electronic means if the conditions referred to in Article 19 of Regulation (EU) 2020/1784 are met [...]*

(c) on a representative of the defendant pursuant to Rule 8.1, if the representative has notified the Registry or the claimant that he accepts service of the statement of claim on behalf of the defendant at an electronic address”.

This point of law is not disputed by the claimant.

In light of the foregoing considerations, the claimant’s application for shortening of the deadlines and for review of the order of 10 July 2026, made pursuant to R. 9 and R. 333 RoP, must be dismissed.

ORDER

The application for review and for shortening of deadlines filed by Cardo Systems, Ltd is dismissed.

Milan, 29 July 2026.

Pierluigi Perrotti presiding judge and judge-rapporteur	
Alima Zana legally qualified judge	

Samuel Granata legally qualified judge	
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